

Whereas the Arrangement includes references to restoring normalcy and human rights in Rakhine State, for refugee returns to comply with international standards of safety, dignity, and voluntariness, and to commencing a process to address root causes in line with the Rakhine Advisory Commission recommendations;

Whereas the Department of State has assessed that Burma has not made progress on the “more crucial” of the 88 recommendations of the Rakhine Advisory Commission that are identified by Rohingya refugees as prerequisites to repatriation including freedom of movement, civil documentation, and a transparent pathway to citizenship;

Whereas, on June 6, 2018, the Government of Burma reached a tripartite Memorandum of Understanding (MOU) with the UNHCR and the United Nations Development Agency (UNDP) on its role in the safe, dignified, and voluntary return of Rakhine State refugees;

Whereas Rohingya refugees currently hosted in Bangladesh demonstrated in protest against an initial November 2018 repatriation plan between the Governments of Bangladesh and Burma, citing concerns for their security and the lack of meaningful political reforms in Burma to include full citizenship;

Whereas UNHCR, on January 4, 2019, reported that conditions in Burma’s Rakhine State remain “not conducive to return” on the heels of the Government of India’s regrettable decision to repatriate 16,000 Rohingya to Burma without having first ascertained the “voluntariness of their decision to return”;

Whereas, throughout this process, the Government of Burma has restricted media freedom and jailed journalists;

Whereas, on December 12, 2017, Wa Lone and Kyaw Soe Oo, two journalists reporting and documenting atrocities against the Rohingya, were arrested and on January 10, 2018, formally prosecuted with violating the “Official Secrets Act”;

Whereas Wa Lone and Kyaw Soe Oo had uncovered a massacre of 10 Rohingya men perpetrated by Burma’s security forces and aided by local Buddhist villagers in the village of Inn Din in Rakhine State;

Whereas, on September 3, 2018, Yangon northern district judge Ye Lwin ruled that Wa Lone and Kyaw Soe Oo breached the colonial-era Official Secrets Act and sentenced them each to seven years in prison with hard labor;

Whereas, on January 11, 2019, Wa Lone and Kyaw Soe Oo’s appeal of their conviction before the Yangon Regional High Court was denied;

Whereas Time Magazine named Wa Lone and Kyaw Soe Oo as co-recipients of 2018 Time Magazine’s “Person of the Year” in recognition for their courageous reporting;

Whereas Vice President Mike Pence tweeted his concern over the sentence against Wa Lone and Kyaw Soe Oo for “doing their job reporting on the atrocities being committed on the Rohingya people”;

Whereas United States Ambassador to the United Nations Nikki Haley described the conviction as “another terrible stain on the Burmese government” and called for “their immediate and unconditional release”;

Whereas the Department of State’s annual Human Rights Report on Burma for the year 2017 states that—

(1) “legal provisions that allow the government to manipulate the courts for political ends, and these provisions were sometimes used to deprive citizens of due process and the right to a fair trial, particularly with regards to the freedom of expression”;

(2) “The government continued to detain and arrest journalists, activists, and critics of the government and the military during the year.”; and

(3) “Threats against and arrests of journalists increased. . . Freedom of expression was more restricted during the year compared with 2016. This included a higher number of detentions of journalists using various laws, including laws carrying more severe punishments than those used previously.”;

Whereas, according to PEN America, the discontinuation of Radio Free Asia’s broadcasting in Myanmar on a domestic channel constitutes a further shrinking of the space for free expression in the country; and

Whereas, additionally, PEN America reports that—

(1) there continues to be increased legal threats, imprisonment, and physical harassment of journalists;

(2) there continues to be restrictions on the ability to report from and receive information on conflict areas; and

(3) the lack of reform of media laws and institutions is driving a decline in media freedom: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the violence and displacement inflicted on Burma’s Rohingya and other ethnic minorities;

(2) urges the Secretary of State to make a determination whether the actions by the Myanmar military constitute crimes against humanity or genocide and to work with interagency partners to impose targeted sanctions on Myanmar military officials, to include Senior General Min Aung Hlaing, responsible for these heinous acts through existing authorities;

(3) condemns the attacks by the Arakan Rohingya Salvation Army militant group;

(4) calls on the Government of Burma to allow full access to Rakhine State and ensure the full participation of UNHCR, the internationally endorsed organization tasked with ensuring that refugee returns are voluntary, safe, dignified, and meet international refugee and human rights standards, and that the voices of refugees are represented in order to ensure the sustainability of such returns and to prevent further waves of displacement;

(5) commends the positive role of the Government of Bangladesh in receiving Rohingya refugees to date and urges the Government of Bangladesh to continue allowing the full participation of UNHCR and human rights organization in accessing refugee camps;

(6) calls on UNHCR and international non-governmental organizations to continue to play a role in monitoring repatriation efforts by the Governments of Bangladesh and Burma to ensure a process that meets international norms for voluntary, safe, and dignified repatriation;

(7) agrees that any return of Rohingya should include guarantees that any returns of refugees will be voluntary and dignified, that there will be no threats to protection or security upon return, that refugees will be able to return to their places of origin or other locations as desired, and be able to enjoy equal rights with others in Burma, including the restoration or granting of full citizenship, freedom of movement, and access to basic services;

(8) recognizes that any forced relocation of Rohingya refugees into temporary settlements, IDP camps, “model villages”, or other areas not of refugees’ choosing is unacceptable;

(9) calls on the Government of Burma to allow for a flexible and practical approach to dealing with evidence of Rohingya residence in Burma, recognizing that the Rohingya refugees in Bangladesh possess a wide range of documents and that some refugees have no documents and will need to establish their residence by other means;

(10) calls on the Government of Burma to address root causes consistent with the Rakhine Advisory Commission recommendations and fully implement all of the recommendations of the Commission, including providing equal access to full restoration or granting of full citizenship for the Rohingya population;

(11) calls on the Government of Burma to acknowledge and address the issue of statelessness for the Rohingya, the deprivation of rights, and institutionalized and pervasive discrimination of the Rohingya population in order to bring about any sustainable solutions;

(12) commends the Government and the people of Bangladesh for their extraordinary generosity and efforts to provide shelter and relief for nearly 1,000,000 Rohingya refugees forced to flee their homes in Burma;

(13) calls on the Government of Bangladesh to ensure all refugees have freedom of movement and under no circumstances are subject to unsafe, involuntary, precipitous, or uninformed returns to Burma;

(14) calls for all the convictions against Wa Lone and Kyaw Soe Oo to be nullified, for the similar charges against many other journalists currently awaiting trial to be dropped, and for the immediate and unconditional release of these journalists;

(15) expresses concern about the Government of Myanmar’s crackdown on journalists and press freedom throughout the country;

(16) reaffirms the central role that independent and professional journalism plays in strengthening democratic governance, upholding the rule of law, mitigating conflict, and informing public opinion around the world; and

(17) calls upon the United States Government to continue the United States status as a top global donor nation to the humanitarian response in Burma and Bangladesh and for the President’s fiscal year 2020 budget request to reflect that longstanding United States commitment.

AMENDMENTS SUBMITTED AND PROPOSED

SA 59. Ms. MCSALLY submitted an amendment intended to be proposed by her to the bill S. 1, to make improvements to certain defense and security assistance provisions and to authorize the appropriation of funds to Israel, to reauthorize the United States-Jordan Defense Cooperation Act of 2015, and to halt the wholesale slaughter of the Syrian people, and for other purposes; which was ordered to lie on the table.

SA 60. Ms. MCSALLY submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 61. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 62. Mr. Kaine submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 63. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 64. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 65. Mr. MCCONNELL (for himself, Mr. GRAHAM, Mr. BLUNT, Mr. BURR, Mr. ROMNEY, Mr. ERNST, Mr. INHOFE, Mr. RUBIO, Mr. SASSE, Mrs. FISCHER, Mr. GRASSLEY, Mr. JOHNSON, Mr. SHELBY, Mr. TILLIS, Mr. CORNYN, Mr. SULLIVAN, Mr. WICKER, Mr.

LANKFORD, Mr. YOUNG, and Mr. BOOZMAN) proposed an amendment to the bill S. 1, *supra*.

SA 66. Mr. TOOMEY (for himself, Mr. VAN HOLLEN, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 67. Mr. GRAHAM (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 68. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 69. Mr. MENENDEZ (for himself, Mr. YOUNG, Mr. REED, Mr. GRAHAM, Mrs. SHAHEEN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 70. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 71. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 72. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 73. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 74. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 75. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 76. Mr. CORNYN (for himself, Mr. RUBIO, Mr. TILLIS, Ms. COLLINS, and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 77. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 78. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 79. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 80. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 59. Ms. MCSALLY submitted an amendment intended to be proposed by her to the bill S. 1, to make improvements to certain defense and security assistance provisions and to authorize the appropriation of funds to Israel, to reauthorize the United States-Jordan Defense Cooperation Act of 2015, and to halt the wholesale slaughter of the Syrian people, and for other purposes; which was ordered to lie on the table; as follows:

After section 403, insert the following:

SEC. 404. POLICY OF THE UNITED STATES RELATING TO BOYCOTTS OF ISRAEL UNDER EXPORT-IMPORT BANK ACT OF 1945.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended in the sixth sentence by inserting after “child labor,” the following: “or opposing policies and actions that are politically motivated and are intended to penalize or otherwise limit commercial relations specifically with citizens or residents of Israel, entities organized under the laws of Israel, or the Government of Israel.”.

SA 60. Ms. MCSALLY submitted an amendment intended to be proposed by her to the bill S. 1, to make improvements to certain defense and security assistance provisions and to authorize the appropriation of funds to Israel, to reauthorize the United States-Jordan Defense Cooperation Act of 2015, and to halt the wholesale slaughter of the Syrian people, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO RESTRICT INVESTMENT ACTIVITIES IN IRAN

SEC. 501. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO RESTRICT INVESTMENT ACTIVITIES IN IRAN.

(a) **ADDITIONAL AUTHORITY.**—Section 202 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8532) is amended as follows:

(1) Subsection (a) is amended—

(A) by striking “should support” and inserting “should not interfere with”; and

(B) by striking “in the energy sector of Iran” and all that follows through “United States” and inserting “in the business sector in Iran, or prohibits or limits any person from engaging in investment activities in the business sector of Iran, until such time as all Federal laws that either expressly authorize or require the imposition of sanctions by the Federal Government on Iran are rescinded by an Act or Acts of Congress”.

(2) Subsection (b) is amended—

(A) by amending the subsection heading to read as follows:

“(b) **AUTHORITY TO RESTRICT INVESTMENT IN IRAN.**—”;

(B) by striking “Notwithstanding” and inserting the following:

“(1) **IN GENERAL.**—Notwithstanding”;

(C) by striking “may adopt and enforce measures that meet” and inserting “may—

“(A) adopt and enforce measures—

“(i) that meet”;

(D) by striking “subsection (c).” and inserting “subsection (c); or”; and

(E) by adding at the end the following:

“(ii) to prohibit or limit any person from engaging in investment activities in Iran described in subsection (c); and

“(B) enter into interstate compacts regarding measures described in subparagraph (A).”

“(2) **DISCLOSURE REQUIREMENTS.**—Enforcement of measures under paragraph (1) may include the imposition of disclosure and other transparency requirements to carry out paragraph (1).”.

(3) Subsection (c) is amended—

(A) in paragraph (1)—

(i) by striking “\$20,000,000 or more in the energy sector” and inserting “\$10,000,000 or more—

“(A) in the energy sector”; and

(ii) by adding at the end the following:

“(B) in any other business enterprise in Iran, including an entity that is owned or controlled by the Government of Iran; or”;

(B) in paragraph (2)—

(i) by striking “\$20,000,000” and inserting “\$10,000,000”; and

(ii) by adding after “energy sector of Iran” the following: “or otherwise in a business enterprise in Iran, including an entity that is owned or controlled by the Government of Iran”.

(4) Subsection (f) is amended to read as follows:

“(f) **NONPREEMPTION; NO CONFLICT WITH UNITED STATES POLICY.**—A measure of a State or local government authorized under subsection (b), (i), or (j)—

“(1) is authorized and not preempted by any Federal law or regulation or any policy, agreement, or exercise of waiver authority of the executive branch; and

“(2) is consistent with United States Federal policy, including United States foreign policy.”.

(5) Subsection (g) is amended by adding at the end the following:

“(3) **OWNED OR CONTROLLED.**—An entity is ‘owned or controlled’ by the Government of Iran if the Government of Iran—

“(A) holds more than 20 percent of the equity interest by vote or value in the entity;

“(B) has the right or ability to elect a majority of seats on the board of directors of the entity; or

“(C) otherwise controls the actions, policies, or personnel decisions of the entity.”.

(6) Subsection (h) is amended—

(A) in paragraph (1), by striking “or subsection (i)” and inserting “and subsections (i) and (j)”; and

(B) in paragraph (2), by striking “subsection (i)” and inserting “subsections (i) and (j)”.

(7) Subsection (i) is amended by adding at the end the following:

“(3) **APPLICABILITY OF PRIOR PROVISIONS.**—Paragraphs (1) and (2) apply with respect to this section as in effect on the day before the effective date of the State Sanctions Against Iranian Terrorism Act.”.

(8) Section 202 is further amended—

(A) by redesignating subsection (j) as subsection (k); and

(B) by inserting after subsection (i) the following:

“(j) **APPLICABILITY.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of this section or any other provision of law, a State or local government may enforce a measure (without regard to the requirements of subsection (d), except as provided in paragraph (2)) adopted by the State or local government before the date of the enactment of the State Sanctions Against Iranian Terrorism Act (other than a measure covered by subsection (i)) that—

“(A) provides for the divestment of assets of the State or local government from, or prohibits the investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran (determined without regard to subsection (c)) or other business activities in Iran that are identified in the measure; or

“(B) prohibits or limits any person from engaging in investment activities in Iran described in subsection (c).”

“(2) **APPLICATION OF NOTICE REQUIREMENTS.**—A measure described in paragraph (1) shall be subject to the requirements of paragraphs (1) and (2) and the first sentence of paragraph (3) of subsection (d) on and after the date that is 2 years after the date of the enactment of the State Sanctions Against Iranian Terrorism Act.”.

(b) **CONGRESSIONAL RESOLUTION OF DISAPPROVAL OF PRESIDENTIAL CERTIFICATION RELATING TO SUNSET OF ACT.**—Section 401(a)